



POLICY BRIEF

**STATUS OF WOMEN'S POLITICAL,
ECONOMIC AND SOCIAL RIGHTS
IN KENYA**

FINAL POLICY BRIEF

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List of Abbreviations and Acronyms

CAK	Communication Authority of Kenya
CAS	Chief Administrative Secretaries
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women Constitution of Kenya (2010)
CRPD	Convention on the Rights of People with Disabilities
FAO	Food and Agricultural Organization
FIDA	Federation of Women Lawyers Kenya
HPV	Human Papilloma Virus
ICCPR	International Covenant on Civil and Political Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICSECR	International Covenant on Social Economic and Cultural Rights
IEBC	Independent Electoral and Boundaries Commission
KDHS	Kenya Demographic Health Survey Report
KIIs	Key Informant Interviews
KNBS	Kenya National Bureau of Statistics
MCAs	Members of County Assemblies
NDI	National Democratic Institute
NEC	National Executive Council
NGC	National Governing Council
NSSF	National Social Security Fund
ORPP	Office of Registrar of Political Parties
PWDs	Persons with Disability
SDGs	Sustainable Development Goals
TVETs	Technical and Vocational Educational Training institutions
UDA	United Democratic Alliance
UDHR	Universal Declaration of Human Rights
UNDP	United Nation Development Programme
UNICEF	United Nation Children Education Fund
WHO	World Health Organization
WROs	Women Rights Organizations



1.0 Introduction

As an independent state, Kenya is a member of the United Nations and by implication a party to various human rights instrument that expressly provide for non-discrimination against women and girls, gender equality, participation and empowerment. The central most of these instruments is the Universal Declaration of Human Rights of 1945. Other instruments include the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Social Economic and Cultural Rights (ICSECR) among others. The need to fully reflect international human rights commitments into local governance played a major role in shaping the constitutional review debate in the early 2000s and the eventual promulgation of the current document in August 2010.

The promulgation of the Kenya Constitution 2010 makes calls for review and reform of the legal and policy frame works for inclusion of women and marginalized groups in mainstream society. The marginalized groups include women, persons with disabilities, children, youth, elderly, minority and marginalized groups and communities, all of whom have for decades been excluded from Kenya's social-economic, cultural and political life. In this regard, the legislators should facilitate the formulation and enactment of statute law and subsidiary legislations characterized by the twin principles of equality and inclusion to the ends of improved legal framework and effective use of legal resources in Kenya's development agenda in which her citizenry (including the women and marginalized groups) has a stake on an equal basis with others.

The Constitution has various provisions on the equality and non-discrimination and gender empowerment. Key among these is the spirit behind Article 10 (b) which provides for equity, social justice, inclusiveness, non-discrimination and protection of the marginalized as part of national

values and principles of governance. The rights of all previously excluded and marginalized groups therefore found a voice and space in the national governance discourse. Broadly, the right to non-discrimination is reflected under Article 27 that provides for non-discrimination of individuals and equal access to opportunities and services.

In the context of political participation, the Constitution aptly captures the right of-all citizens to access information. This has particular interest on information held by state institutions and which may help women demand for accountability. To actualize this provision, Kenya has formulated the Access to Information Act (2016) and the corresponding regulations.

On social economic rights, the Constitution through Article 43 Provides for rights to health, housing,water and sanitation, food and social security. The duty of the government of Kenya on these social economic rights has to be however read within principle of progressive realization of rights as captured under the ICESCR. The general observation is that though states have a duty to deliver these rights to citizens, the evaluation of this progress is hinged on specific conditions like budgetary capacities. In this regard, this assignment will therefore be conducted within the realms of appreciation that there are acceptable limits within which the government may be constrained in the provision of the constitutional rights.

The Committee of Social Economic and Cultural rights have further deepened the discourse on state obligations by introducing two more concepts. First is the concept of *'minimum core obligations'*. The spirit here is that a state has a duty to ensure some minimum sin regards to these rights are delivered. The second concept is *'non retrogression'*. The duty of the state here is to ensure the rights once guaranteed are not taken away in deliberate and avoidable circumstances.

The Constitution under Article 53 on the rights of the child further emphasizes the state duty to provide free and compulsory basic education, basic nutrition, shelter, healthcare among other rights. In the context of a highly traditional society where child care is a gender role mainly left to women, these child rights reflect an almost obvious entitlement to women rights.

Interms of legislation,these rights are then captured under the children's Act(2022)and the Basic Education Act(2013).The place for minority rights is further cemented under Article 56 which requires the state to put measures to ensure affirmative action for marginalized and minority groups. Special measures are required for their inclusion in economic, educational and governance spheres. The assignment will seek to review the extent of progress on this count in terms of the special measures in place and their levels of effectiveness.

On political participation,the Constitution guarantees the rights of women based on the freedom of women as citizens to participate in political processes under Article 81(a).To further dilute the historical domination of men in the political sphere,Article 81(b)requires that no more than2/3 of elected public officials maybe of either gender. This spirit is further encapsulated under Article 100.Broadly,Kenya has well developed constitutional and legislative frameworks to support the realization of women rights in the political, economic and social cultural spheres. The analysis in the assignment will therefore seek to enumerate on these and evaluate their level of effectiveness.

2.0 Policies, Legal and Institutional Frameworks on Gender Equality

2.1.1 International Instruments, Treaties

Various international instruments guide countries in the implementation of the Human Rights (HR) agenda. Notably, these instruments have a variety of formal title types, including, agreement, charter, convention, protocol and treaties, and all are signed exclusively between State parties, but with an overall aim of enhancing human rights and equality.

Article 2 (6) of the Constitution provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya. Article 132(1)(C)iii requires the president to submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic. In addition, Kenya makes annual returns to all United Nation human rights mechanisms where it has made commitments. The following are some of the most notable commitment and progress made so far with regards to fulfilling the international obligations

2.1.2 Progress Made in Fulfilling the International Obligations of the Republic

Universal Declaration on Human Rights (UDHR). The overarching measure to guarantee this observance of the Declaration is the Constitution of Kenya 2010. The Constitution provides for the establishment of an independent judiciary as an arbiter on human rights concerns by individuals and institutions. The Constitution also provides for the following public human rights Institutions- Kenya National Commission of Human Rights, National Gender and Equality Commission as well as Commission on Administrative Justice (CAJ)

In addition, The Constitution provides for civic oversight on human rights issues through non-governmental organizations and interested individuals. Lastly, the government has also been implementing the national policy and Action Plan on Human Rights (2014) aimed at mainstreaming human right agenda in national development.

The International Covenant on Civil and Political Rights (ICCPR). Through the implementation of the Constitution of Kenya, 2010, Kenya has made notable steps in the full realization of the stipulations of the Covenant. The most notable measure is the Supreme Court ruling on Petition No.15 of 2015 as consolidated with petition No.16 of 2015, Francis Kariuki Muruatetu and Wilson Thirimbu Mwangi Vs Republic of Kenya and 5 Others. This petition declared unconstitutional the mandatory nature of Section 204 of the Penal Code which provides that "any person convicted of murder shall be sentenced to death". Following this development, a task force was put in place to setup mechanisms for re sentencing of capital offenders as well as review legislative framework on death penalty.

The International Covenant on Economic, Social and Cultural Rights (ICESCR). The government made good progress in the actualization of this covenant. The progress has been along legislative and policy arena. On the legislative front the government has formulated and is implementing the following laws, the Health Act, 2017, Water Act, 2016, NSSF Act, 2013, Food, Drugs and Chemical

Substances Act (Cap. 254), The Basic Education Act (No. 14 of 2013), Kenya Food and Drug Authority Bill, 2019 as well as the National Public Health Institute Bill, 2019

At the policy level, the government has put in place the following measures, the commitment to achieve Big four agenda that includes, Affordable housing, food security, universal health and manufacturing. This was captured under the Jubilee Party Manifesto with the government rolling out implementation after the 2013 elections.

On education and health sector, the government has shown commitment by providing compulsory free primary education and free day secondary school education as well as development of the draft social health insurance policy

On social protection, the government has rolled out the National Hunger Safety Net Programme (HNSP) aimed at the vulnerable populations including orphans, older persons and persons living with severe disabilities.

On actualizing affirmative action, the government has rolled out the Youth Enterprise and Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reserving 30 percent of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), The government has taken the following Measures-Put in place the National Cohesion and Integration Commission to promote cohesion between different individuals and groups, enacted Special Interest Groups Laws (Amendment) Bill, 2019 with the aim of giving effect to Article 100 of the Constitution that calls on Parliament to formulate laws to promote representation of special and marginalized groups. Lastly, the government has continued the implementation of equalization fund to counties marked as marginalized.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). To actualize this convention, Article 25 of the Constitution that prohibits torture, the government has passed the Prevention of Torture Act, No. 12 of 2017. Additionally, the government has revised the Penal Code, National Police Service Act, No. 11A of 2012; and Prisons Act Cap 90 to bring these laws in tandem with the Convention. Lastly, The Government has also put in place mechanisms to educate and sensitize law enforcement and other public officers on the absolute prohibition against torture and other cruel, inhuman and degrading treatment or punishment.

The United Nations Convention on the Rights of the Child (UNCRC). The following laws have been formulated to capture the spirit of the convention and actualize its provisions- the Children's Act, 2001, Sexual Offences Act, 2006, Employment Act, 2007, Counter Trafficking in Persons Act, 2010, and Basic Education Act, 2013. In addition, the government has introduced non-legislative measures that include social protection targeting children including Cash Transfer for orphaned and vulnerable children (CT-OVC), establishment of Kenya Children's Assembly (KCA) to promote child participation and the formulation of the Kenya National Action Plan for Children 2015-2022. All these are clear commitments by the government on this convention

United Nations Convention on the Rights of Persons with Disabilities. The government has enacted the Persons with Disability Act, 2003. The Act seeks to promote the full participation of

the persons with disabilities by outlawing any form of discrimination. The Act also establishes the National Council for Persons with Disabilities to drive the realization of the rights of the persons with disabilities. By the year 2020, the Act was under review in Parliament to make it more compliant with the convention.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Government has put in place both policy and legislative measures to actualize the working of this convention. There are also administrative and judicial interventions towards full realization of the provisions and entitlements under the convention. The over arching mechanism is the Constitution of Kenya 2010 with its various provisions towards gender equality and the empowerment of women. At the legislation level, the government has put in place the following Acts of Parliament, National Gender and Equality Commission Act, 2011, Matrimonial Property Act, 2013, the Marriage Act, 2014; the Land Act, 2012, the Land Registration Act, 2012, Counter-Trafficking in Persons Act, 2010, the Prohibition of Female Genital Mutilation (FGM) Act, 2011, the Sexual Offence Act, 2006 (Rev. 2012), the Kenya Citizenship and Immigration Act, as well as the Review of the Law of Succession Act, 2010 (Rev. 2018).

At policy level, the government has put in place the following measures, the National Policy on Gender and Development, 2019, the National Policy on Eradication of Female Genital Mutilation, 2019, National Policy on Menstrual Hygiene, 2019, Access to Government Procurement Opportunity (AGPO) which seeks to guarantee at least 30% of public procurement to women, youth and persons with disability as well as efforts towards mainstreaming gender in public service through the actualization of the two thirds gender rule as provided for under Article 81 of the constitution

The African Charter on Human and Peoples' Rights (ACHPR). In 2018, the Government developed a legislative handbook on Principles of Equality and nondiscrimination to guide legislators at the National and County levels in formulating measures towards full realization of gender equality and inclusion of special interest groups in the society.

Based on this, one can infer that, there is good progress by the government in terms of adhering to most of the international covenants through relevant good polices, legislations and initiatives. However, there could be lack of or limited political good will to implement the same.

3.0 Analysis of women Political, Economic and Social Rights in Kenya

3.1.1 Right to Work and Employment

According to the World Bank, unequal power relations at home reflect to limited opportunities at the workplace. Childcare particularly denies women due access to job opportunities. It is upon leveling the play field to ensure having children does not mean women miss opportunities to realize their full potential at work. Data indicates there are still gaps in the full realization of women right access to equal opportunity in the work place. While 64.3% of the men are active in the labour force, the proportion is lower at 62.6% among women for the active work force between ages 15-64. Labour force participation among women is higher in the rural areas as compared to urban areas at 68.2% against 52.3%. The implication is that women are relegated to lower paying jobs in the rural areas as compared to men who dominate likely formal urban based economy jobs.⁵

3.1.2 Women and Unpaid Work

Data shows that women spend 5 times more time in providing primary care as men. Additionally, women spend almost 4 times more time on any care work per day as compared to men. While women put all the hours in the unpaid work, men spend about twice more hours in paid work than women. This gendered role allocation only serves to widen income and wealth differentials across the gender divide. Assuming the men and women in question per household have almost the same level of education and skills, then it means men make better use of their investment in education as women underutilize the same as they handle domestic chores.

3.1.3 Participation in selected decision making positions in the public service, 2020 and 2021

Article 152(1) of the constitution, requires that the Cabinet consists of (a) the President, (b) the Deputy President; and (c) the Attorney-General. In addition, it obligates that the cabinet should not have fewer than fourteen and not more than twenty-two Cabinet Secretaries.

When it comes to positions of leadership, men dominated across all spheres of public service in the year 2020 and 2021, at the cabinet level, the threshold to respect the provisions of Article 27 (8) on the two-thirds gender representation for all appointive positions has never been achieved. Men actually constituted about 66.7% against 33.3% women by 2021. This pattern is repeated for Chief Administrative Secretaries (CAS) and the Principal Secretaries (PS) during the same period. The outlook is actually worse with the PS positions where women only held only 22% of the positions. Among the lower and middle level ranks of the executive, the situation is even more dire. The female County Commissioners only account for 12.8% of the total. The Deputy Commissioner positions held by women was only 15% during the same period. What this may imply is that the most visible part of the executive at the local level bears a very male dominated face.

This sends the wrong signals to the ordinary citizen on the commitment of the government to work towards gender equality and the empowerment of women. Even more concerning is that it is this lower and middle level public officers that break down government policies and programs to the local level and citizenry for implementation. A male dominated environment creates a risk that government policies will be implemented from the basis of entrenched negative gender and other social norms.

3.1.4 Judiciary Appointments, 2021 and 2021

The gender composition of the judiciary is fairly gender balanced relative to the executive. This is a reflection of positive efforts towards women empowerment. Judiciary as an institution occupies a very key role in dispute resolution and interpretation of laws. In a country where property rights and succession disputes are very likely to end in court, a fairly gender balanced judiciary creates higher likelihood that women would access and enjoy property rights and that judicial decisions on the interpretation of the law is likely to be more gender sensitive. However, in terms of absolute numbers, the judiciary has limited staff and the fairer representation of women may not imply a significant number of women accessing public jobs.

3.1.5 Cabinet Secretaries (CS Appointments) 2022 General Elections

There were twenty-one(21)line Ministries and one Prime Cabinet Secretary making a total of 22 Cabinet Secretaries. There were (7) females appointed to the National Government Cabinet up from six (6) appointed in 2017. This represents 31.8% of women in the cabinet against 68.2% of men. Later,this number changed after Alice Wahome MP for Kandara was appointed making a total number of women in the cabinet to be 8 translating to 36%. This proportion is still very low and contravenes various legal provisions on gender equality in leadership

3.1.6 Principal Secretary (PS) 2022 General Elections

There were fifty-one (51) slots for Permanent Secretaries in the provisional list submitted to the National Assembly for vetting out of which 10 were women while 41 were men. This translates to 19.6% for women. This proportion is still very low and contravenes various legal provisions on gender equality in leadership⁷

4.0 Right to Social Security and Social Protection

According to Food and Agricultural Organization of the United Nations, social protection programs need to reflect gender realities if they are to respond effectively to the societal challenges they mean to support. In the absence of strong gender sensitivity, FAO observes the schemes may even end up worsening the inequalities between men and women. Where the targeting favor men who already enjoy better opportunities, the women end up being doubly marginalized.

For Hunger Safety Net Programme 2018/19 - 2022/23, data indicates women remained consistently as the major recipients of the grant as compared to men. Given the deep gender norms around women being home makers this data is understandable. However, it is not possible to explain if the data explains gender sensitive targeting or if there were just simply more women in the recipient areas. For Funds to Persons with Severe Disabilities, 2018/19 - 2022/23, the pattern of male caregivers contradicts the existing social norms where women are the primary caregivers in most Kenyan homes. The pattern could also point to cases of poor identification where more male persons with severe disabilities are registered as compared to females. Either way, there could be need to interrogate these patterns further.

For Funds to Orphans and Vulnerable Children, 2018/19- 2022/23, the number of female care givers receiving the cash transfer on behalf of the children was consistently about four times that of males. This could be a reflection of the role women play as primary care givers in most households. The break down of the data according to gender may however mask the breakdown of the actual recipients. It can only be hoped that since this programme cover all eligible children that there are no underlying gender issues in terms of reaching and enlisting the beneficiaries and that boys and girls stand an equal chance.

5.0 Women Rights to Food

Right to food is clearly captured under Article 43 of the constitution of Kenya-*every person has the right to be free from hunger and to have adequate food of acceptable quality*. This right is emphasized again under article 53 on children rights thus- *every child has the right to basic nutrition, shelter and health care*. It is therefore clearly implied that the right to food is basic human right under the laws of Kenya.

However, it must be appreciated that the social economic rights guaranteed under the constitution of Kenya adopt the principle of progressive realization of rights as reflected in the UN Covenant on Economic Social Cultural Rights. The government is only obligated to grant this right' to the maximum extent possible within the available resources". The government can then only provide right to food as long as the resources are available.

The discourse on the right to food as regards women has several dimensions. First and the most immediate is for the right to food to women as human beings. However, there are other that require more focus. First traditional gender roles impose the duty to provide food to the house hold to the women. The bulk of the women in the rural Kenya are involved in subsistence farming on this count. But this introduces the issue of land and property rights. The concern here is the extent to which women can muster the responsibility to produce food in a situation where they do not own the land. How effectively can they claim the product if they have not effective claim on the land

The other dimension of food rights for women is the specific needs for foods related to maternal and infant health. In studying this right, the concern is the proportion of women who can access such critical nutrition like iron, zinc, vitamin A and other micro nutrients essential for the mother and child health.

According to KDHS 2022, 91% and 89% of pregnant mothers accessed Iron supplements in the urban and rural areas. The uptake of the supplements was 93.6% among women with post- secondary education against 79% among women with no formal education.

6.0 Women Rights to Water and Sanitation

In assessing water rights from a gender perspective, the approach employed should analyze the different aspects with a gender lens. On availability, the World Health Organization (WHO) put 20 liters of water per day as the minimum required to meet requirements for drinking, food preparations and personal hygiene. Fifty to a hundred liters are required to maintain basic levels of health and 7.5liters per day for basic survival needs.

According to UNICEF, 59% of Kenyans have access to safe drinking water. The proportion of Kenyans with access to basic is only 29%. It is also estimated that about 9.9 million Kenyans drink water from contaminated surface sources. Further, five million people practice open defecation. Availability of clean water and access to proper sanitation reduces to risk of water borne to diseases especially to children. Where such is not available, women would bear the blunt of lost hours seeking for health services for children and drain to household income.

7.0 Women Access to Education in Kenya

At primary school level, enrollment in class one in 2018 has a consistent gender parity index of about 0.95. However, in later classes, this indicator turns in favor of girls. By class 8, the parity index is 1.00. There could be a wide range of reasons why the observed drop out of boys than girls. The probability is that the early adolescence presents boys with risks such as child labor.

Data on secondary school enrollment indicates a strong transition rates of about 90% for girls and boys to secondary school. However, there is a notable drop of the number of girls as they transition across the 4 years in secondary school. For example, for year 2020, the number of girls in form 4 is only 75% of the girls enrolled in form.

There could be underlying causes of drop out along the transition path. The secondary school level for girls is very critical as it is normally the onset for puberty which may expose them to vulnerabilities like unplanned pregnancies, early and forced marriages and child labour.

According to the Kenya Economic Survey report 2023, admissions to the Technical and Vocational Educational Training institutions (TVETs), remains dominated by male students. Across the study years (2018-2023), male students comprised about 55% of all admissions. These colleges often provide marketable technical skills for the trainees who are easier to get absorbed into the job market. Male domination in the training furthers continuation of gender inequalities in access to job opportunities, income and wealth creation. However, it can be observed that the proportion of female students have been rising from 41% in 2018 to 46% in 2022. If this trend continues, there is likelihood of attainment of gender parity in the TVETs training in the near future.

At the university level, male students dominate the enrollment in public universities at about 60%. However, the proportion of female students has been rising across the years from 39% in 2018 to 41% in 2022. Since this is consistent rise, it can be deduced that the pattern will be sustained toward eventual gender parity.

With private universities, the proportion of male student enrollment has been about 53%. The outlook towards gender parity is therefore more positive here. Though the survey did not attribute this to any reason, it is probable the students in private universities are from upper income and wealth classes where negative gender norms against female education is much lower.

8.0 Women Access to Health in Kenya

Across the years, 2018 to 2022, the proportion of women who are exercising agency over their sexual rights on this count has been lower than that of men. It could either be a reflection of lower access to information or weaker ability to assert their rights in the face of economically and socially dominant men. The same situation applies when it comes to using condoms and limiting sex to one uninfected partner.

According to KDHS 2022, there is statistical evidence that knowledge about HIV/ AIDS among women varies according to level of education, rural –urban divide and the wealth and income status. The level of awareness stands at 57.2% in the urban areas and 52.2% in the rural areas. Among women with no formal education, the awareness stands at 13.3% while among those with post-secondary school education, it is at 69.4%. Women in the highest wealth quintile have knowledge level at 57% while the same stands at 40.8% among women in the lowest wealth quintile.

8.1.1 Antenatal care

Proper care during pregnancy and delivery is important for the health of both the mother and the baby. It is an important health seeking behavior that can assist medics to identify any possible pregnancy related challenge and respond on time. Additionally, ante natal sessions may also provide critical nutritional and other health advice to the pregnant mother. The number of ante natal visits that a pregnant woman makes is therefore a good indicator of a safe motherhood. *Maternal health as a right is guaranteed under Article 43 of the Constitution and reads in part. Every person has the right to the highest attainable standard of health which includes right to health care services including reproductive health*

8.1.2 Antenatal care

Data indicates that among the urban women 74.1% pregnant mothers had at least 4 ante natal visits as recommended. This proportion falls to 61.5% among rural women. Across the education levels women with no formal education were least likely to make antenatal visitation by 49.1% as compared to 83.2% among women with post-secondary education. On a related count, 73.9% of pregnant women in the rural areas had taken preventive post-natal tetanus jab against 77% in the urban settings. Across the education levels, only 66.1% of women with no formal education had the jab as compared to 81.4% of women with post-secondary education.

8.1.3 Safe delivery

One of the key indicators of maternal health is the access to professional service of a medical the point of delivery. This could be either in a facility or else where. Additionally, having the delivery in a health facility is also a positive indication of accessibility of health services. The professional support by a medic provides an opportunity to respond to any emergency that may occur during the delivery

Investments in promoting maternal child health seem to be bearing fruit with positive indicators in key areas. But the urban rural divide is still a concern on the uptake of services. While more than 91.7% of the deliveries in urban areas were conducted in a health facility, the proportion falls to 77% in rural areas.

Across the counties, birth assisted by a skilled health provider has a lot of disparity. It is highest in Nairobi at 99%. This is followed by Counties in the high potential regions of Kiambu, Nyandarua and Kisumu at 98%. In the other extreme are Arid and Semi-Arid counties of Turkana at 53% Mandera, at 55%, Wajir and Samburu at 57% respectively.

Education for women seems to be a key determinant on their access and uptake of maternal health services. While the proportion of women with higher than secondary level education delivering under professional care was 99%, the figure falls to only 54% among women with no formal education.

8.1.4 Post Natal Care

Interms of post-natal care, the proportion of women who had a post-natal check during the first 2 days of birth was higher in the urban areas at 79% as compared to 68.8% in the rural areas. Only 50% of the mothers with no formal education sought post-natal care as compared to 77% of the mothers with secondary level education. The variable stood at 78.5% among mothers with more than secondary school education. This draws a strong correlation between health seeking behavior of mothers with their level education. It could also point to a likelihood that women with no formal education mainly reside in areas where post-natal care may not be easily available

8.1.5 Human Papilloma Virus and Related Cancers: Women and Men

Kenya has a population of 16.8 million women ages 15 years and older who are at risk of developing cervical cancer. For all types of cancer, late diagnosis has been identified as a key driver to death. With few facilities and opportunities for testing especially in the rural areas, women therefore stand a big risk of deaths related to cervical cancer. Cervical cancer is the 2nd most frequent cancer among women in Kenya and the second most frequent cancer among women of reproductive age between 15 and 44 years of age. The high proportion of women being diagnosed and dying of cancer is a real concern. Given the high costs of private care and the fact that most financial family resources are in the hands of men, women are more likely to miss medical care than men. It is also important to note that whereas there has been a lot of public awareness on early testing, this information may not easily reach rural poor women especially those with low formal education

9.0 Women Participation in Governance and Political Representation

Kenya is a party to the UN covenant on International Civil and Political Rights whose key thrust is Article 2 on non-discrimination. As state party, Kenya commits to ensure all citizens including women fully enjoy their political rights including right to form or join a political movement/ party, vie and be voted for and vote in national elections. This is further emphasized through Kenya's commitment to the Sustainable Development Goal 5 on gender equality and empowerment of women.

The Constitution has very rich provisions regarding women participation in leadership. Under Article 10, of the Constitution, equity, inclusiveness, equality non-discrimination and protection of the marginalized are identified as among the national values and principles. Put into practice in the context of gender equality, this would imply that all governance spaces must provide for requisite representation of women in the leadership spheres.

This principle is further elucidated under Article 27 of the Constitution. Article 27(1) notes - *Every person is equal before the law and has the right to equal protection and equal benefit of the law.* One elective and appointive positions, the Article states under sub article (8) *the state shall take legislative and other measures to implement the principle that not more than two thirds of members of elective or appointive bodies shall be of the same gender.* These provisions constitute the strongest constitutional foundation for the claim on gender equity and equality in the public service.

Under Article 81, the electoral system is expected to guarantee all citizens the right to exercise their political rights. This article places the electoral management bodies with the responsibility to remove all barriers and obstacles that may prevent women from fully exercising their election related rights. Further, the article requires that not more than two thirds of members of an elective body should be of the same gender. In the Kenyan context where women have been disadvantaged, this article grants women guaranteed access to claim and occupy at least a third of all elected offices.

9.1.1 Women Participation in 2013 And 2017 General Election, No of All Candidates All Positions

When it comes to presenting themselves for elections, fewer women do as compare to men. In 2013 for example 11,720 of the total candidates for all the elective seats were men while women only constituted 8%. This only improved slightly with women constituting 9% during the 2017 elections. On a general perspective, the number of women presenting themselves as candidates and winning various elective positions has been rising. The most instructive change has been on the position of the Governor where in 2013, no female Governor was elected. In 2017, 3 were elected translating to 6%. This proportion rose to 7 Governors (15%) in 2022 elections. Though the numbers still remain low, the rise is commendable and there is hope the momentum will be maintained into future elections. This situation on the office bearers for the Senate stagnated at 3 elected women last two elections. For the National Assembly, the number of female elected members has been rising from 16 in 2013 to 23 in 2017 and 29 in 2022. This has been a steady rise of 6%, 8% and 10% respectively. The elected members of local assemblies (MCAs) have also been on a steady though slow rise of 1% point across the three past elections. In 2013, 82 female MCAs were elected, this rose to 96 in 2017 and 115 in 2022

9.1.2 Elected and Nominated Members of the Senate 2022 General Elections

Just like in the National Assembly, women representation in the Senate is quite low. Out of total 68 members, only 3 are elected. This represents a dismal 4% In total, the Senate has 21 women representing 31% of the total. The Senate has the responsibility of playing oversight over the county governments. Given that Counties are central in service delivery in health, water and agriculture, this oversight role becomes very close to the interest of women based on their gendered roles in childcare, home making and subsistence food production. A weak voice of women in the Senate is likely to imply weaker service delivery in these key sectors as women would be expected to take more interest in the effectiveness of services in sectors that are key to their womenfolk constituency.

9.1.3 Elected County Governors by Gender 2022 General Elections

While it is an improvement from last election, the number of elected female Governors still remains low. A County Governor is a position attached to huge devolution resources. Fewer women Governors means less control of national and county resources by women. Additionally, according to the 4th Schedule of the Constitution of Kenya 2010. Counties are responsible for health provision, water services, agriculture and early childhood development education. All these services are very core to upholding of women's social economic rights.

9.1.4 Total Number and Percentage (%) of women representation in all 47 County Assemblies; 2022 General Elections

The ward is the lowest echelon of elective position in Kenya. Data indicates that even at this level, women representation is weak. Women only makeup 7.1% of the elected Ward Representatives. However, this proportion is boosted to 28% once the nominated women are accounted for. Since 2013, County assemblies consistently rely on nomination of women to achieve the minimum two third thresholds. It would be expected that at the lower level, women would find it easier to vie and win political seats since the amount of resources needed are much lower. However, it would also mean social norms that mitigate against women leadership and political participation are strongest at this level.

10.0. Women Rights to Property Rights and Land Ownership

Women's access and ownership of land is strongly attached to access to food and nutrition, sustainable development and gender equality and empowerment. Obstacles that prevent women from owning land greatly contribute to unequal power relations at family and community level and continued social exclusion for women. Social cultural norms place familial leadership to men which then bestows a near automatic land ownership and inheritance rights to men and boys. The resultant effect is that women remain active producers of food and cash crops on land that they cannot claim title. This situation deepens women's continued lack of economic power.

Article 24 on rights and fundamental freedoms, in 24. (1) states that a right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including (a) the nature of the right or fundamental freedom; (b) the importance of the purpose of the limitation; (c) the nature and extent of the limitation; (d) the need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others; and (e) the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose.

Article 40 on Protection of right to property in 40 (1) Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property, (a) of any description; and (b) in any part of Kenya. (2) Parliament shall not enact a law that permits the State or any person, (a) to arbitrarily deprive a person of property of any description or of any interest in, or right over, any property of any description; or (b) to limit, or in anyway restrict the enjoyment of any right under this Article on the basis of any of the grounds specified or contemplated in Article 27 (4). (3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation (a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that (i) requires prompt payment in full, of just compensation to the person; and (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.

Furthermore, Article 60. (1) states that Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles— (a) equitable access to land;(b) security of land rights;(c) sustainable and productive management of land resources; (d) transparent and cost effective administration of land;(e) sound conservation and protection of ecologically sensitive areas; (f) elimination of gender discrimination in law,customs and practices related to land and property in land; and(g) encouragement of communities to settle land disputes through recognized local community initiatives consistent with this Constitution.

In addition, Article 61. (1) requires that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. This is further emphasized under Article62(2)that states that Public land shall vest in and be held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission, if it is classified under.

Article 63 on Community land in 63 (1) asserts that Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest. And (2) Community land shall consists of (a) land lawfully registered in the name of group representatives under the provisions of any law, (b) land lawfully transferred to a specific community by any process of law, and (c) any other land declared to be community land by an Act of Parliament.

Article 64 on private land asserts that private land shall consist of (a) registered land held by any person under any freehold tenure; (b) land held by any person under leasehold tenure; and (c) any other land declared private land under an Act of Parliament.

Land ownership also has strong relationship with access to financial inclusion. Many financial institutions would require collateral for borrowers to access loan products. Without a legal claim to land, women cannot therefore use family land to access loans. The medium and long term implications is that women remain capital constrained therefore deepening gender inequality.

There have been not able efforts in the recent years to change this negative state of affairs. Under the Constitution of Kenya 2010, the Bill of rights calls for equal treatment of all persons under the law. Under Article 20,every person is guaranteed the enjoyment fall fundamental rights which in this case includes right of women in the ownership of land. Under the National Land Policy (2009), the government is required to grant due regard to land rights of unmarried daughters.

This goes a long way to deconstruct the social norms that placed sons as the only due and automatic heirs of land. Under Chapter 4 on land and environment, the right for women to own land is clearly reflected through the provisions of Article 60 (f)-Elimination of gender discrimination in law, customs and practices related to land and property.

The Constitution has also sought to define the extent of the application of customary laws in regards to women's right to land. Under Article 2(4) any law such as customary law that is in consistent with the provisions of the Constitution (including denying women right to property) is declared null. The land Act(2012) clearly defines matrimonial home as any land that is owned or leased by one or both parties in a marriage and requires a matrimonial consent for such land to be charged. Marriage here is comprehensively defined to include even customary marriage. This particular clause in our law greatly cements women's claim to land and takes away the unfaltering control by the male spouses as hitherto existed.

The Matrimonial Property Act further cements the rights of women in the ownership of property including land under section 4 that spells out equal status of men and women in a marriage.

Section 8 of this act further espouses on the issue of joint ownership of property in a polygamous marriage. Here, the issue of each spouse's contribution is introduced. While this section may be interpreted differently depending on the person's interests, it goes a long way to defend the rights of women who would normally have their claim to property greatly eroded upon the husband's decision to take in another wife.

Perhaps what remains contentious is how a woman's contribution can be fairly determined especially in situations where it may be non-monetary. By the very fact that women find it harder to enter the formal work place or businesses, their contribution in acquisition and development of joint matrimonial property may be harder to quantify.

11. Women's House and Land Ownership in Kenya by Marital Status

According to data from KDHS 2022 there is a very strong relationship between house ownership and marriage status. House ownership is lowest among then ever married women at only 1.1% of them owning houses. Among the married, slightly more than half (52.6%) own houses either alone or jointly with spouse/ partner. Among the widowed, about 65.2% own houses. The safe assumption here is that the rest 35% never owned houses even before being widowed. But it is also likely that a certain portion of the widows lost their house ownership status upon getting bereaved. This however is a matter of conjecture since it is not captured in the research exercise for compilation of Demography Health Survey (DHS) report 2022.

Among the separated or divorced women, only 14% own houses. This is quite a low proportion given that more than half of the married claim house ownership. Assuming economic status has nothing to do with divorce or separation, the proportion here is too low. It can only be assumed the separation or divorce robs women their right to claim over house ownership. The implication here is that even with very beneficial clauses in the succession Act and the Matrimonial Property Act, women still face challenges of actualizing housing rights in the event of collapse of the marriage arrangement.

Ownership of agricultural land is similarly lower among then ever married at only 1.7%. For the married, the proportion is 38.4%. The implication here is that more than 62% of the married women do not have a direct and automatic claim to agricultural land. Given the centrality of agriculture as the main economic activity in Kenya, this would mean majority women especially those in the rural areas are engaged in production where they do not own the land on which they practice production. This definitely has an implication on whether they can also effectively claim ownership of the agricultural crops or domestic animals thereof.

It is on non-agricultural land where women claim to land is lowest. In total, only 6.7% women own non-agricultural land. Most non-agricultural land could be commercial land most in urban areas. This is land valued higher than rural land devoted to farming. This land could also easily be converted in financial resources either by erecting buildings, leasing, selling or simply charging it with a financial institution. This creates a picture of deep rooted economic inequality.

12.0 Women Membership in Political Parties in Kenya

Overall, women constitute 49% of total membership of political parties in Kenya. United Democratic Alliance (UDA) has the highest proportion of women membership at 59% with NARC-Kenya and KANU with lowest at 44% and 43% respectively. However, the real question that this data should raise is why women would still struggle to win elective political positions even in this reality that of near parity in membership and therefore control of political party decision making and direction

13.0 Women in The Digital Space

Ownership of mobile telephone in Kenya generally is higher than her peers in Africa. The gender gap in ownership stands at 6% in favour of men. This could reflect higher access to financial resources for men. However, it is notable that the gap is much better compared to Ethiopia where is 27% and Senegal at 13%. In terms of access to internet, the gender gap is huge at 24%. With most businesses going online, this has a huge implication on the extent to which women can take advantage of the endless opportunities in the e-commerce.

14.0 Gender Based Violence and its Implication to Equality

UN Women defines gender based violence as harmful acts directed at individual or a group of individuals based on their gender. The root causes are gender inequality, abuse of power and harmful social norms. While men are also victims of gender based violence, women are more susceptible. On the same count, Violence against women and girls is defined as any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

In Kenya, the issue of gender based violence is deep rooted both in the current and past. The key roots of the violence identified in the UN Women definition are a present and real. First, on gender inequality, men have traditionally dominated women in almost all spheres of life. This domination is likely to result to a degree of psychological belief among men (and probably some women) that men are naturally superior. Closely related to this is the likelihood of men abusing their power to perpetrate violence against women. This could be economic, or physical power. Lastly, most traditional African societies have social norms that unequivocally place men as more superior to women, require women's acceptance of their place and in the end fuel and accept gender based violence²².

According to data, gender based violence is consistently higher in women than men in all age groups between 24 and 49 years of age. It is only for girls and women between age 15-19 that gender based violence experiences are lower than that among men at 19.5% against 29.2% respectively.

Between the ages 30-49, women experience gender based violence way too high than their male counter parts. The difference is a whole 15% points. Though there are no reasons brought forward, it is most likely that this could be happening around married couples under the challenges of parenting and domestic home management. At this age group, it is also likely that women become more assertive in challenging gender norms something that is likely to trigger violent responses from men in their lives.

It is clearly discernible from the data that the likelihood of a woman experiencing gender based violence in Kenya is strongly correlated to their level of education. The risk goes lower as the subjects attain higher levels of education. Those with only Primary level of education are at 42.7% risk. This falls to 30% risk level for those with secondary school level of education and falls further to 23.3% for women with post-secondary level education.

Various reasons can be used to explain this. First, it is likely that as women get more educated, they get more assertive in resisting tendencies by men to inflict any form of gender based violence on them. Secondly, it is also possible more educated women have more choices in life and therefore are better placed to make decisions that would help them avert gender based violence. It could also mean that more educated women are likely to pair up with equally educated men who have managed to acquire enough knowledge to resist and challenge societal norms that expose women to gender based violence.

The level of woman's wealth or economic class also determines the likelihood of encountering gender based violence. Women at the lowest quintile of wealth face the highest risk at 36.9% as compared to the richest quintile at 28.%. Across the quintiles, the probability of gender violence falls within rising economic power. Just like in education, a wealthier woman has more choices, some of which can help her evade/avert the risk of gender based violence. Access to information is also likely to be more among the rich echelons and therefore more likely to avert the risk. Among the poorer classes, the women are more likely to be living in more traditional settings where societal norms including those that support gender based violence are still respected

15. Women Access to Financial Services in Kenya

According to Fin access household survey 2021 conducted by the Kenya National Bureau of Statistics, there has been a steady rise of proportion of Kenyans who access formal financial services between year 2006 and 2021. Within this period however, the proportion of women has been lower than that of men. The encouraging bit is that the gap has been converging over the years. In 2006 and 2009, the gender gap was 12.7% and 14.4% respectively. This gap fell to 5.2% in 2019 than 4.2% in 2021.

Financial exclusion has generally been falling across the years for both men and women. In year 2006, it was 41.7% and 40.7% among women and men respectively. By 2019, the level of exclusion had fallen to 11.3% for women and 10.8% for men. In terms of exclusion however, the differences between men and women has not been significant across the years.

Data on specific access to financial services indicates that the most accessible mode of financial access is the mobile money transfer services. A total of 76% women and 83% men have access to this platform. When it comes to formal bank accounts, 34% women have active banks accounts as compared to 48% men in 2019. Among all types of financial services providers however, it is only for informal groups (Chamas) where the level of access is higher among women than men at 37% and 31% respectively. This is understandable given that women dominate the small scale informal economy with the formal economy being in the hands of men. It is probably true also that the level of interpersonal trust among women is higher therefore the strong tendency to utilize informal financial services among friend's neighbors and associates. Access to financial resources by women remain much lower than that of men

16. Women Rights to climate Change, Action and Health Environment

Climate change remains one of the greatest challenges facing humanity. The effects have been unpredictable weather patterns including floods, elongated droughts, heat waves and snowing. The effects of these changes have been numerous and devastating. The horn of Africa region has for example recently experienced one of the most serious droughts leading to massive crop failures and death of livestock.

Among countries and regions, the effects of climate change differ. The sub-Sahara Africa region including Kenya is more devastated by the effects than other regions round the globe. The region also suffers from serious weakness to mitigate against the effects of climate change. The implication is that countries like Kenya are more prone to the phenomenon while at the same time has little capacity to shield the population from the ill effects.

Across gender, women are more susceptible to the effects of climate change due to social cultural normal around land ownership, gender roles and wealth and income inequality. According to UN Women, climate change is never gender neutral; it affects women more than men²⁴. Women experience more devastating effects of climate change than men. This ends up deepening the existing inequalities.

Women constitute majority of the world's poor and rely more on natural resources that get affected by climate change. Women have gender attached roles to look for food, water and firewood, all derived directly from natural resources. When there is severe drought, water sources diminish forcing women to spend more time fetching the commodity or in some cases girls dropping out of school to help fill the domestic labour gap.

Women are also mainly employed in the agricultural sector in the rural areas. When vagaries of weather including droughts and floods, affect the sector, women are more disproportionately affected through layoffs, food shortages and displacement.

There is a lot of action plans and responses aimed at mitigating the effects and responding to climate change. Due to the historical marginalization of women in the public arena, women may not have their voice well in these forums and therefore lose out in the opportunities that may arise. This position was well amplified by one of the respondents who noted

United Nations Development Program me also notes that though a third of women's employment worldwide is in agriculture, they only own 12.6% of the agricultural land. This lopsided ownership means that when governments respond with aid to mitigate against climate change, women only receive 10% of the share.

Climate change has also been observed that climate change is a major driver to inter communal conflicts leading to displacements. Such displacements rob women access to housing rights, human dignity and expose them sexual violence like rape and defilement

17.0 Nominated and Elected Leaders with Disabilities, 2017

General elections

The Constitution has clearly provided for the inclusion of minorities in all echelons of public leadership and governance, Article 10 of the constitution identifies inclusiveness and equality as part of the national values and principles of governance. More specifically, Article 54(2) requires the state to work towards progressive realization of the principle to ensure at least 5% inclusion of persons with disabilities in public elective and appointive offices. This is further emphasized under Article 81 (c) that obligates the electoral system to ensure fair representation of persons with disabilities.

For elective positions, people with disabilities still have major challenges winning seats. Out of 1,948 elective positions, only 3 persons with disabilities were elected in 2017 general elections. This is a huge underrepresentation.

It should be appreciated that people with disabilities face overlapping challenges and vulnerabilities that would push them from competing on an equal footing with their counterparts without disabilities. Access to education for the persons with disabilities is challenging. In the long term, this locks them from job opportunities which in turn denies them the resources and exposure that would allow them to run a successful political campaign.

Data indicates that out of 45 persons with disabilities serving in elective institutions, only 3 were elected by 2020, the rest 42 were nominated. This reflects to a paltry 7%, a very low figure for a country with various constitutional and legislative commitments on inclusiveness. However, looking at the nominations, there is a positive light in terms of gender representation. Out of the 42 nominated persons, 24 (57%) were women. This helps respond to gender and disability inclusiveness at the same time.

18.0 Conclusion

Kenya has a very elaborate legal and policy framework to uphold and promote gender equality and empowerment of women. The Constitution of Kenya 2010 sets a very rich reservoir to draw from and even further develop corresponding legislation to deepen women rights in Kenya. A great deal of this work has been accomplished.

However, gaps still remain if the vision of fully empowered women enjoying equal opportunities with men is to be realized. The most notable gap is the failure of Parliament to enact a legislation to ensure enhanced representation of women as required under Article 100 and as away to realize the two thirds gender rule as provided under article 81 of the constitution.

The report also observes that even where laws have been put in place, there are challenges of implementation. The intentions of formulating laws to help women access better opportunities are well meaning but the intended benefits are less evident.

In terms of access to productive resources, women still find it harder to own land both for agricultural and non-agricultural purposes. The implication is that while women are the majority in the agricultural sector, they do not have legal rights to the agricultural produce. Further, they have no exercisable right to charge the land to secure finances to develop the land and improve productivity.

Challenges for equity for women are multi-dimensional and can only be resolved if approached as such. Women living in the rural areas, with low levels of educational achievement and often with less incomes and wealth are more likely to accomplish less in life. They are also locked out of most opportunities.

Though many Kenyan societies have moved away from negative social norms that held women back, the effects of negative cultural practices and beliefs still hold women back. Norms around gender violence, women and property rights and political participation still hold sway.

19.0 Summary of Emerging Issues and Recommendations on the Current Status of Women Rights in Kenya

The matrix below presents key emerging issues of the current status of women rights in Kenya and the corresponding recommendations to address the same.

No	Issue	Recommendation
1	Formulation of the two thirds gender rule legislation	Parliament should move with haste and review the electoral system with a view to actualize section 81 of the constitution. Constitution of Kenya 2010 is almost 15 years old and this gap remains gaping. Three election cycles have been held without the realization of this aspiration. It would be a great achievement if the legislation is in place before the next electoral cycle.
2	Removal of structural barriers to women empowerment	The report observes that though opportunities from women to enjoy better opportunities exist, there are structural barriers like rural- urban divide, low education levels and poverty that hold women back. The government should put efforts to promote education for girls as it has been observed a great enabler to the enjoyment of other rights including political participation, property rights and even health rights. Alongside this should be tackling poverty with due regard to existing gender imbalances.
3	Confronting negative social norms and cultural practices	There should be concerted effort by the government and the civil society organizations to help women confront and challenge social norms that hold them back. Educational and advocacy campaigns should help dismantle societal perceptions that women are less deserving of opportunities in leadership, property ownership and social service delivery. Even where positive legislation has been passed, the full effect will not be realized till the negative cultural norms that cemented to previous dispensation is confronted.
4	Deepening social protection programmes	Social protection programmes are a great intervention to provide amend son gender inequality in the short and the medium term. The government should formulate and strengthen programmes to further promote education for girls and women, access to health and education services and raise the voice of women at the household and community level. Cash transfers to poor house holds could go a long way to allow girls remain in school and help women access nutritional food especially for young child and in pregnancy.
5	Opportunity cost for not implementing the policies and legislations on women rights.	The study revealed that there are good policies and legislations in place with regards to women rights but there is lack of or limited political good will to implement the same. In this regard, there is need for further research and evidence based advocacy to understand what it would cost the country by not implementing these legal provisions on women rights.

No	Issue	Recommendation
6	Women involvement in climate change action	Research has indicated that women are more affected by the negative effects of climate change than men. This even more in poor countries like Kenya where climate change has resulted to adverse weather patterns, low food production, loss of livelihood and girls dropping out of school. There portre commends that women should equally be represented in spaces and forums where the issue of climate change is discussed to introduce a more gender responsive approach to the climate emergency .In addition,there is need for bottom up approach by getting out of boardroom and conferences and go on the ground and create awareness on how women should participate in climate change and action initiatives
7	Strengthen political participation for women through politicalparty Reform	Political parties should strengthen their space for women as candidates and wherever possible grant women preferential opportunities to view. While data indicates women constitute 49% of the political parties' membership, the marginal representation of women in elective positions is reflective of limited opportunities granted to them by the parties. Even as the country pushes for the two third gender rule, parties could offer respite to their female membership. In addition, there is need for concerted effort and multi-agency approach in enhancing women right to political participation, this would include actors like ORPP, IEBC and CAK. It is evident that,out of total 90 registered political parties,only 5 are women led, this demonstrates a serious equality gap.

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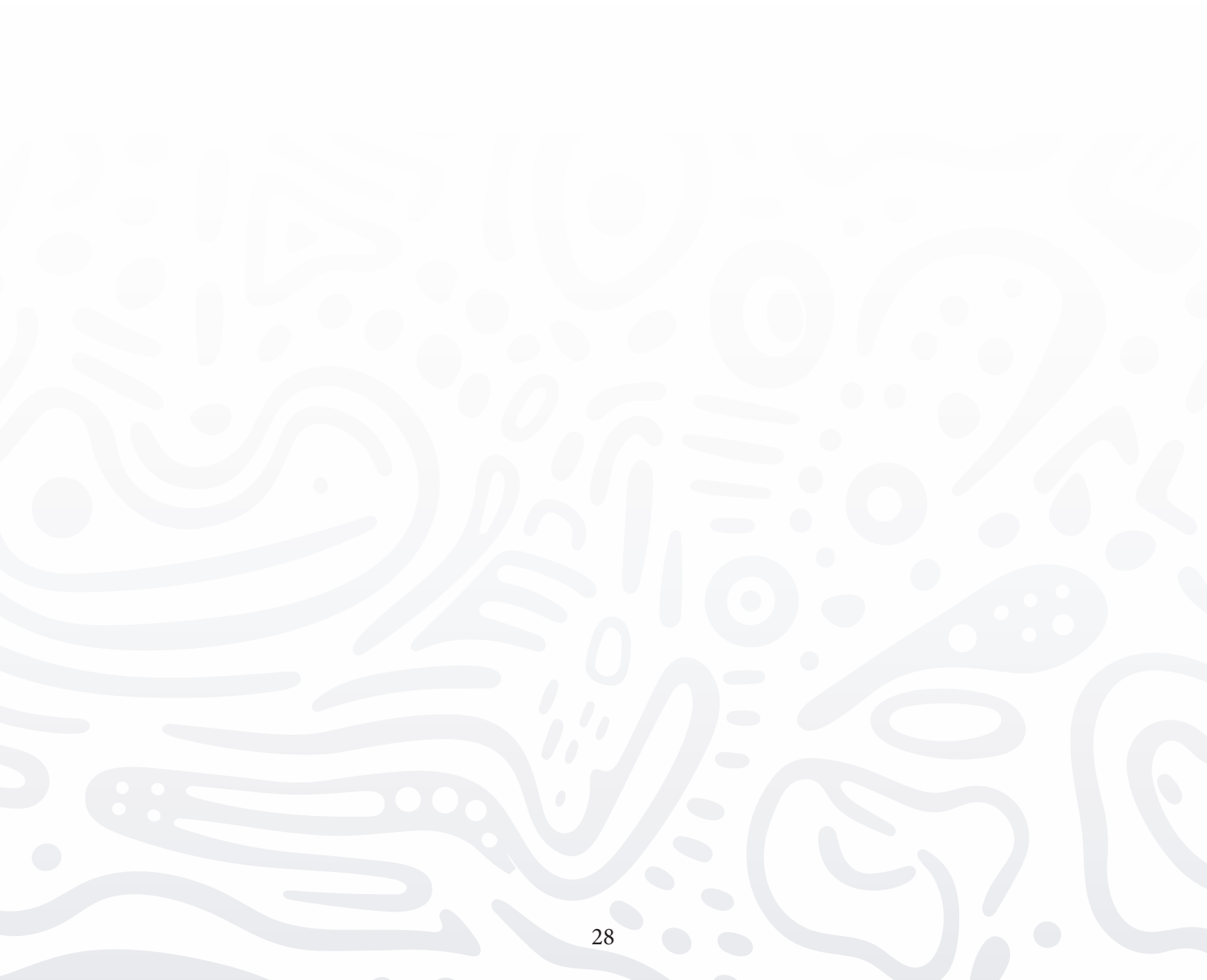
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Community Advocacy & Awareness (CRAWN) Trust
4th Floor All African Conference of Churches of Kenya, Waiyaki Way, Westlands.
P.O Box 943-00621, Nairobi, Tel: 020-2664505, E-mail: crawn@crawntrust.org



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